IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8759 OF 2007

Mr.Mirza Raziulla Baig .. Petitioner

Versus

Mukhtar Ahmed Munna Khan .. Respondent

Mr.V.J.Kale for petitioner

Mr.Y.R.Momin for respondent

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd December 2007

P.C.

. This amendment application ought not to have been rejected. In my view, all that the petitioner wanted to incorporate in the written

statement is the number of F.I.R. Instead of mentioning the fact that the prosecution is under section 302 of I.P.C., he wanted to substitute that line with "the prosecution is by way of an F.I.R.". I see no prejudice either to the opposite party or to the person prosecuting the criminal case, if such amendment is granted. The trial court has completely lost sight of the fact that this written statement is amended, does not mean that he has to decide the criminal case or that the criminal case is to be an issue in some way in the present proceedings. Therefore, amendment application is allowed. Amendments to be carried out within two weeks from today. Amended written statement be served within two weeks thereafter. Additional affidavit in rejoinder, if any, to be filed within two weeks from the date of receipt of the amended written statement. Petition disposed of.

(S.C.Dharmadhikari, J)